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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Letter dated 25 April 1995 from the Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia to the United
Nations addressed to the Secretary-General

I am writing to you, in your capacity as depositary of international treaties, concerning the letter from the Permanent Representative of Croatia to the United Nations of 18 April 1995 addressed to you (A/50/160) and, upon instructions of my Government, have the honour to state the following.

The Government of the Federal Republic of Yugoslavia expresses its strong objection to Croatia's attempts to challenge the status of Yugoslavia as a State party to the International Covenant on Civil and Political Rights. The request of Croatia is unfounded since it is not based on the relevant rules of international law. It can only be construed as an attempt to politicize the work of the United Nations and the Human Rights Committee.

The membership of the Federal Republic of Yugoslavia in the United Nations and its status as a State party to international treaties were not affected by the adoption of Security Council resolution 777 (1992) and General Assembly resolution 47/1. In the opinion of the United Nations Under-Secretary-General for Legal Affairs dated 30 September 1992 (A/47/485), it was stated, inter alia, that General Assembly resolution 47/1 "neither terminates nor suspends Yugoslavia's membership in the Organization". According to another opinion of the Legal Office of the Secretariat of the United Nations, dated 16 November 1993, the status of Yugoslavia as a party to treaties was not affected by the adoption of resolution 47/1.

* A/50/50.



The opinions of the Arbitration Commission cannot be invoked in this case since the Commission was merely an advisory body of the International Conference on the Former Yugoslavia and its decisions did not have binding character. Moreover, the Commission was not established in accordance with the norms of international law relating to arbitration and it exceeded the mandate given to it by the parties to the dispute, thus rendering its opinions untenable from the legal point of view.

The representative of Croatia claims that the Federal Republic of Yugoslavia "must act as other successor States of the former Socialist Federal Republic of Yugoslavia have done - notify the Secretary-General, in his capacity as depositary of international treaties, of their intention to be considered a party to the International Covenant on Civil and Political Rights by virtue of succession to the former Socialist Federal Republic of Yugoslavia".

It is entirely appropriate for Croatia, as a new State, to notify the Secretary-General of its intention to be considered a State party to international treaties deposited with the Secretary-General. On the other hand, the Federal Republic of Yugoslavia is not a new State. In the declaration of its Assembly of 27 April 1992 (S/23877, annex), it was clearly stated that the Federal Republic of Yugoslavia would continue the State, international, legal and political personality of the former Socialist Federal Republic of Yugoslavia and honour all international commitments undertaken by that State, including those arising from international human rights instruments. Since the former Socialist Federal Republic of Yugoslavia had become a State party to the Covenant on 2 June 1971, it follows that the Federal Republic of Yugoslavia remains a State party to the Covenant. Such a position was unequivocally supported by the rules of international customary law as codified in the Vienna Convention on Succession of States in respect of Treaties.

I should be grateful if you would have the present letter circulated as a document of the General Assembly under item 114 (a) of the preliminary list.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.
